

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENJAMIN McCOY,

Petitioner,

v.

CASE NO. 05-CV-71309-DT  
HONORABLE GEORGE CARAM STEEH

KURT JONES,

Respondent.

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**ORDER**

- (1) GRANTING PETITIONER'S MOTION FOR AN EXTENSION OF TIME,**  
**(2) DENYING PETITIONER'S MOTIONS FOR AN**  
**EVIDENTIARY HEARING AND TO EXPAND THE RECORD, AND**  
**(3) DIRECTING RESPONDENT TO FILE ADDITIONAL TRANSCRIPTS**

Currently pending before the Court are Petitioner's second motion for an evidentiary hearing, second motion to expand the record, and his motion for an enlargement of time to file a reply to Respondent's answer to the habeas petition. The motion for an enlargement of time [Doc. #17, Nov. 18, 2005] is GRANTED. No further action is necessary because Petitioner filed his reply on November 30, 2005.

Petitioner's motion for an evidentiary hearing [Doc. 20, Dec. 12, 2005] and his motion to expand the record [Doc. 21, Dec. 12, 2005] are DENIED. Respondent has failed to file the complete state court record and, without it, the Court is unable to say whether a evidentiary hearing or the requested records are necessary.

Respondent is ORDERED to file the transcript of trial, the transcript of the hearing on

Petitioner's motion for new trial, and any other transcripts that may assist the Court in deciding the issues.

Dated: August 21, 2006

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
August 21, 2006, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk